

**REPORT - PLANNING COMMISSION MEETING**  
**July 24, 2003**

**Project Name and Number:** SPRINT AT CINDY STREET (PLN2003-00290)

**Applicant:** Sausedo Company (representing Sprint PCS)

**Proposal:** To consider a Conditional Use Permit for a Wireless Telecommunications System facility consisting of a monopole constructed as an extension of a parking lot light pole with an overall height of 50 feet.

**Recommended Action:** Approve, based on findings and subject to conditions

**Location:** 39009 Cindy Street  
Irvington Planning Area

**Assessor Parcel Number(s):** 501-0958-104-07

**Area:** 144 square foot portion of 2.44-acre site

**Owner:** Central Church of the Nazarene

**Agent of Applicant:** Dennis Martin

**Consultant(s):** Dennis Pederson, Surveyor, Associated Professions Inc.  
Edward Maierhofer, Architect, ATI Architects and Engineers  
Shahed Amanullah, Professional Engineer, ATI Architects and Engineers  
Silvino Cruz, Professional Engineer, ATI Architects and Engineers

**Environmental Review:** Categorically exempt from review under the California Environmental Quality Act per *CEQA Guidelines* Section 15303 (Class 3), New Construction or Conversion of Small Structures

**Existing General Plan:** Low-Density Residential, 5 to 7 dwelling units per acre

**Existing Zoning:** R-1-6 Single-Family Residence District

**Existing Land Use:** Religious facility (church), child day care

**Public Hearing Notice:** Public hearing notification is applicable. A total of 115 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Bret Harte Court, Bud Court, Cindy Street, Gertrude Drive, Mowry Avenue, Quadres Court, Serra Place and Sloat Road. The notices to owners and occupants were mailed on July 14, 2003. A Public Hearing Notice was delivered to *The Argus* on July 9, 2003 to be published by July 14, 2003.

**Background and Previous Actions:**

- On May 6, 1963 the Planning Commission approved a conditional use permit (U-63-27) for a church and related facilities on this site.
- On April 13, 1978 the Planning Commission approved an amendment to conditional use permit U-63-27 for an expansion of the church.
- On June 11, 1987 the Planning Commission approved a conditional use permit (U-87-9) for the operation of a children's nursery school (day care center) for 24 children in the church building.
- On February 22, 1990 the Planning Commission approved a conditional use permit amendment (U-63-27A) for an addition to the church and expanded parking, with a variance to allow parking within the required front setback.

**Project Description:** Sprint PCS proposes to replace a 33-foot high light pole currently located in the parking lot of the Central Church of the Nazarene with a pole that will resemble the original light pole but with an additional 17-foot extension that houses an antenna that will serve as a wireless telecommunications system facility. The radome housing the antenna will be up to 13" in diameter. The rest of the post will have a diameter of 10". An 8-foot high, 144-square foot enclosure on the ground will contain additional equipment required for the operation of the facility.

**Project Analysis:**

- **General Plan Conformance:** The existing General Plan land use designation for the project site is Low-Density Residential, 5 to 7 dwelling units per acre. The proposed project is consistent with the existing General Plan land use designation for the project site because public utilities and similar uses are allowed in areas planned for residential use. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

|                                   |   |
|-----------------------------------|---|
| Fundamental Goal F 10             | Public services responsibly managed and equitably distributed throughout the city.  |
| Land Use Policy LU 1.1            | Public and Semi-Public Facilities ... may be allowed [in areas designated Residential], although conditions may be established to limit the impacts of these uses upon residents.   |
| Housing Goal H 1                  | Conservation and enhancement of existing residential neighborhoods.   |
| Health and Safety Policy HS 8.1.2 | Protect the noise environment in existing residential areas. In general, the City will require the evaluation of mitigation measures for projects under the following circumstances: <ul style="list-style-type: none"><li>• The project would cause the <math>L_{dn}</math> to increase by 3 dB(A) or more</li><li>• An increase would result in an <math>L_{dn}</math> greater than 60 dB(A)</li><li>• The <math>L_{dn}</math> already exceeds dB(A)</li><li>• The project has the potential to generate significant adverse community response</li></ul> |

This project could be considered to support equitable distribution of public services because, according to the applicant, it is needed in order to remedy an existing area of inadequate wireless telephone service. The analysis under "Zoning Regulations" below addresses the degree to which the proposed facility might be expected to have visual impacts on the existing residential neighborhood. Noise is addressed under "Noise Impacts" below.

- **Zoning Regulations:** The proposed facility is a monopole with some stealth qualities. Section 22161.1 of the Zoning Ordinance and the Development Standards for Telecommunication Facilities (Glossary of Terms), adopted by the City Council as part of Ordinance No. 2213 on December 17, 1996, define monopole as "a structure composed of a single spire used to support communications equipment". A stealth pole is a monopole that is camouflaged using existing vegetation or disguised, as a flagpole, public art, etc. Monopoles using appropriate stealth techniques may be allowed in areas with residential zoning not used for residential uses (such as sites with public, quasi-public and religious facilities) subject to conditional use permit review and subject to the applicable development standards. A discussion of the key standards and analysis of the proposed project in terms of these standards now follows.

- C-2 The order of preference for telecommunications facility mountings, based on their potential adverse impacts, is façade mounts, roof mounts, ground mounts and freestanding monopoles. In order to use any mounting, the applicant will be required to specify why mounting types with a lesser adverse visual impact cannot be used.

- A-2 Applications for monopoles ...shall include the following: a map showing all existing monopoles and lattice towers within a 3000 foot radius and reasons for not co-locating on any existing telecommunications facility in the vicinity [and] a report from a structural engineer regarding the number and type of antennas that the structure is designed to support.

The applicant and the applicant's radio-frequency engineer have submitted an analysis indicating that a new wireless facility is needed in the vicinity of the proposed site and that it must be at least 40 feet high. The applicant's investigations have shown that there are no existing monopoles or lattice towers within 3,000 feet of the site. The applicant has also observed that there are a limited number of structures 40-50 feet tall in the area where a new facility is needed.

The applicant submitted a list of seven sites (including the proposed site) in the vicinity, any one of which might satisfy Sprint's coverage needs, and an explanation of the reasons for not proceeding with them. The alternative sites were commercial buildings in the Central Business District and Mowry/Blacow commercial district, a Fremont Unified School District property and a City fire station. The reasons for rejection were technical problems, lack of owner cooperation or both.

Since the proposed monopole may not be suitable for co-location of facilities by other wireless service providers, both for structural and for aesthetic reasons, staff investigated whether other providers were likely to need elevated facilities in this vicinity in the foreseeable future. Staff's reasoning for this was that, should other providers expect to need such sites in the foreseeable future, it might be worth asking the present applicant to consider constructing its facility in an architectural element, e.g., a steeple. An architectural element might be able to accommodate additional facilities less obtrusively than the possible alternative of several providers constructing their own monopoles. However, none of staff's contacts with other wireless providers foresaw a need for their own monopole or other elevated wireless facility in the vicinity of this project.

In addition, at staff's request, the applicant prepared a photo-simulation of an alternative design for the monopole, camouflaged as a tree. This photo-simulation, along with a photo-simulation of the proposed extended light pole, is enclosed in the Planning Commissioner's packets. The required tree form would be a 50-foot tall pine-type tree. There are few pine or other vertical tree forms existing in the vicinity and no trees 50 feet high. Staff agrees with the applicant that the extended light pole proposal is less obtrusive and is preferable.

The proposed equipment enclosure is shown set back 10 feet from both the Cindy Street right of way and the adjacent interior lot line (abutting a single-family residential lot). A minimum 20-foot setback is required from the street. A condition of approval will be that the proposed enclosure location be shifted to meet the 20-foot required front setback and so that the enclosure does not abut the living area of the house. (See Condition No. B-3, section "a".)

### **Design Analysis:**

- H-3 Freestanding monopoles shall be located and designed to minimize visual impacts. Although not all monopoles will be required to do so, monopoles in areas where adverse visual impacts cannot be avoided (as in some commercial areas), shall incorporate "stealth" techniques to camouflage them as a pieces of art/ sculpture, flag poles or other interesting visual forms that would not be considered an adverse visual impact.

More than half of the monopole's bulk will constitute a light pole essentially identical to an existing light pole. The remainder of the pole will have some visual impact. Staff has recommended some site improvements be required to balance the visual impacts of the monopole. These improvements are described under "Open Space/Landscaping" and "Waste Management" below.

The applicant has proposed its equipment enclosure to be constructed of redwood, with latticework at the top, 8 feet high. While equipment enclosures are normally required to be finished using a material matching the building, staff believes that redwood is preferable if the equipment is located in near the location indicated on the plans. First, the enclosure will be located a substantial distance from the building. Second, the enclosure is in a residential setting, where redwood is more typical. Third, the Zoning Ordinance provides that approvals of monopoles expire and must be renewed after five years of use. If the redwood enclosure should not wear well, the Planning Commission can require renovation or replacement of the enclosure after a relatively short period of time. Staff will make a determination as to wood versus masonry construction depending on the exact location of the enclosure.

- **Parking:** The proposed project will not generate a need for additional parking. The installation will not be staffed. Maintenance will typically require one vehicle trip per month and would typically occur at off-peak times.
- **Circulation/Access Analysis:** This site has adequate access and circulation. The proposed equipment enclosure location is near parking on-site as well as parking on Cindy Street. This project will relocate an exiting light pole out of the drive aisle, improving on-site circulation.
- **Open Space/Landscaping:** The proposed project will not reduce existing open space. However, replacement of the existing light pole with a monopole triggers a requirement to bring site landscaping up to current standards. The existing site lacks the following types of landscaping, which staff proposes to require the applicant to install. (See Condition No. B-2.)
  - i) Trees along the perimeter and in the interior of the parking lot.
  - ii) Street trees where missing on the Cindy Street frontage.
  - iii) A small number of plantings along the Serra Place frontage in the few gaps between existing plantings.
  - iv) Automatic irrigation to serve the above plantings.
  - v) Removal of existing weeds along all street frontages, and mulching to suppress the growth of weeds behind the freestanding sign on the Mowry frontage.

During review by the Development Organization, the City's Landscape Architect will review proposed trees and other plantings and irrigation.

**Grading & Drainage:** The existing site has adequate drainage. The project as submitted will not require grading or affect drainage. Any minor grading or drainage issues that may arise in connection with required site improvements can be addressed during review by the Development Organization.

**Urban Runoff Clean Water Program:** The applicant will be required to conform to the City's Urban Runoff Clean Water Program requirements. A condition of approval regarding construction methods (Condition No. B-6) is included to reflect this requirement.

**Development Impact Fees:** This project will not be subject to Citywide Development Impact Fees as no new floor area will be constructed.

**Waste Management:** The existing site does not have an enclosure for trash and recycling receptacles as required by the Zoning Ordinance. The applicant has agreed to develop such an enclosure. A condition of approval (No. B-4) is proposed to reflect this requirement.

**Noise Impacts:** The applicant has submitted a study of noise impacts from the facility. Cooling fans that must be installed in the equipment cabinets will make some noise periodically. This noise level may reach 65 decibels, although since it will only be occasional and generally during the day, the weighted Day and Night Average Level ( $L_{dn}$ ) used as a

City standard will be less than the 60 decibel (dB[A]) maximum. Staff has visited other similar wireless equipment cabinets while the fans were operating and does not believe the noise will disturb neighbors.

**Environmental Analysis:** This project is categorically exempt from review under the California Environmental Quality Act per *CEQA Guidelines* Section 15303 (Class 3), New Construction or Conversion of Small Structures. Section 15303 exempts commercial structures up to 10,000 square feet in floor area as well as accessory (appurtenant) structures. The exemption in Section 15332 (Class 32), In-Fill Development Projects, also applies.

**Response from Agencies and Organizations:** No public agencies or neighborhood or other organizations have expressed any comments or concerns about this project.

The applicant indicates that they convened a community meeting about the project after giving notice to all property owners within 300 feet of the site. The applicant also indicates that ten people attended and none voiced opposition to the proposal.

No one has expressed any concern to staff about of the proposed project.

**Enclosures:** Exhibit "A" (Site Plan, Elevations and Details)  
Exhibit "B" (Conditions of Approval)  
Photo-Simulations:  
    ▪ South from Mowry Avenue  
    ▪ North from Cindy Street  
    ▪ South from Cindy Street  
    ▪ South from Cindy Street (Tree-Shaped Option – Not Recommended)  
Applicant's "Project Description, Site Analysis, and Justification"

**Exhibits:** Exhibit "A" (Site Plan, Elevations and Details)  
Exhibit "B" (Conditions of Approval)

**Recommended Actions:**

1. Hold public hearing.
2. Find PLN2003-00290 is categorically exempt from review under the California Environmental Quality Act.
3. Find PLN2003-00290 conforms to the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use, Housing and Health and Safety Chapters as enumerated in the staff report.
4. Approve PLN2003-00290, as shown on Exhibit "A", based on the findings and subject to the conditions set forth on Exhibit "B".



**EXHIBIT "C"**  
**Findings and Conditions of Approval**  
**SPRINT AT CINDY STREET – (PLN2003-00290)**  
**39009 Cindy Street**

**FINDINGS:**

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated July 24, 2003, which is incorporated herein by reference:

- (a) The proposed use is consistent with the General Plan for the reasons given in the staff report.
- (b) The site is suitable and adequate for the proposed use. The monopole will occupy the same amount of land as the existing light pole, and there is ample site area to accommodate accompanying equipment on the ground.
- (c) Since the project will generate no more than one vehicle trip per month, it would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services.
- (d) Due to its design and the site improvements required in the conditions of approval, the project will not have an adverse economic effect on nearby uses.
- (e) For the above reasons, and because of the conditions of approval, and because the facility will be required to comply with applicable federal standards, the proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large.
- (f) The design of the project is compatible with existing and proposed development in the district and its surroundings.
- (g) The project will be required to comply with Article 27 of the Zoning Ordinance pertaining to Site Plan and Architectural Approval.

**CONDITIONS:**

*General*

- A-1 This action authorizes the erection of one **wireless telecommunications system facility** in a radome atop a light pole, not to exceed 50 feet in overall height. Except as modified in these conditions, the project shall conform to Exhibit "A" (Site Plan and Elevations).
- A-2 The pole shall be painted using a non-reflective matte finish **gray** color.
- A-3 The Director of Planning is empowered to make **minor modifications** to this approval in keeping with the overall intent hereof.
- A-4 This use permit shall take effect and be **issued** by the Director of Planning within two years, upon the conclusion of review by the Development Organization and issuance of a building permit. Should review by the Development Organization not be complete within two years, the permittee may apply for an extension of time.

*Next Steps*

- B-1 The permittee shall submit construction plans and pay corresponding fees to the **Development Organization** for Pre-Final and Final Review to ensure conformance with all applicable regulations and policies.

- B-2 The plans submitted to the Development Organization shall include a **landscaping plan**, meeting all City standards, to include the following landscape improvements:
- a. 24-inch box street trees on the Cindy Street frontage every 35 feet on center, subject to the review and approval of the Landscape Architect.
  - b. Trees on the perimeter and in the midst of the parking lot, of the minimum size and in the minimum numbers specified in Section 8-22009(e)(4) in Article 20 (Parking) of the Zoning Ordinance, to the extent they may be added without violating other substantive provisions of Article 20.
  - c. Weeds shall be removed throughout the Cindy Street and Serra Place frontages whether on-site or in the public right-of-way. Additional plantings shall be made along Serra Place where there are gaps in the existing plantings, except directly in front of the residence on-site.
  - d. The area behind the church's freestanding sign facing Mowry Avenue shall be weeded and a 3-inch layer of shredded bark mulch or decomposed granite placed. Alternatively, an equivalent or superior landscape treatment may be installed subject to the review and approval of the Development Organization.
- B-3 The **enclosure for equipment** on the ground may, at the discretion of the Development Organization, be required to use the same (or matching) materials as the church structure and/or the Cindy Street masonry wall.
- a. The equipment enclosure shall be located at least 20 feet from any street lot line and not adjacent to the living area of the neighboring house. The precise location shall be subject to the review and approval of the Development Organization.
  - b. The provider shall install signage on the equipment enclosure including phone numbers of the provider for use in case of an emergency. The sign shall have a background color of matte-finish gray color and be subject to the review and approval of the Development Organization.
- B-4 The applicant shall construct an **enclosure for trash** and recyclable materials, which may, at the discretion of the Development Organization, be required to use the same (or matching) materials as the church structure and/or the Cindy Street masonry wall. The plans submitted to the Development Organization shall include plans and details for the enclosure. The size and specifications for the enclosure shall conform to the City's *Waste Handling Requirements*.
- B-5 The applicant shall submit to the Development Organization data on battery capacity. The data shall include the amount of liquid in each battery and the total amount on-site including all existing batteries. If the capacity of a single battery exceeds 20 gallons or the total on-site exceeds 100 gallons, the applicant shall provide mitigation as required by the Fire Code, Articles 64 and 80.
- B-6 The applicant shall submit to the Development Organization a statement as to how Best Management Practices will be implemented to prevent pollution of storm water during project construction.

#### *Ongoing Conditions*

- C-1 The provider shall be responsible for maintenance of the telecommunications facility in a condition free of graffiti, and for expeditious removal of any graffiti and repair of any damage caused by vandalism to any portion of the utility pole, antennas, equipment and/or landscaping.
- C-2 The facility shall comply at all times with the applicable provisions of Ordinance No. 2213 and the Development Standards for Siting of Wireless Telecommunication Facilities.



### *During Construction*

D-1 Construction activities shall occur only during the following hours:

7 a.m. to 7 p.m. Monday through Friday

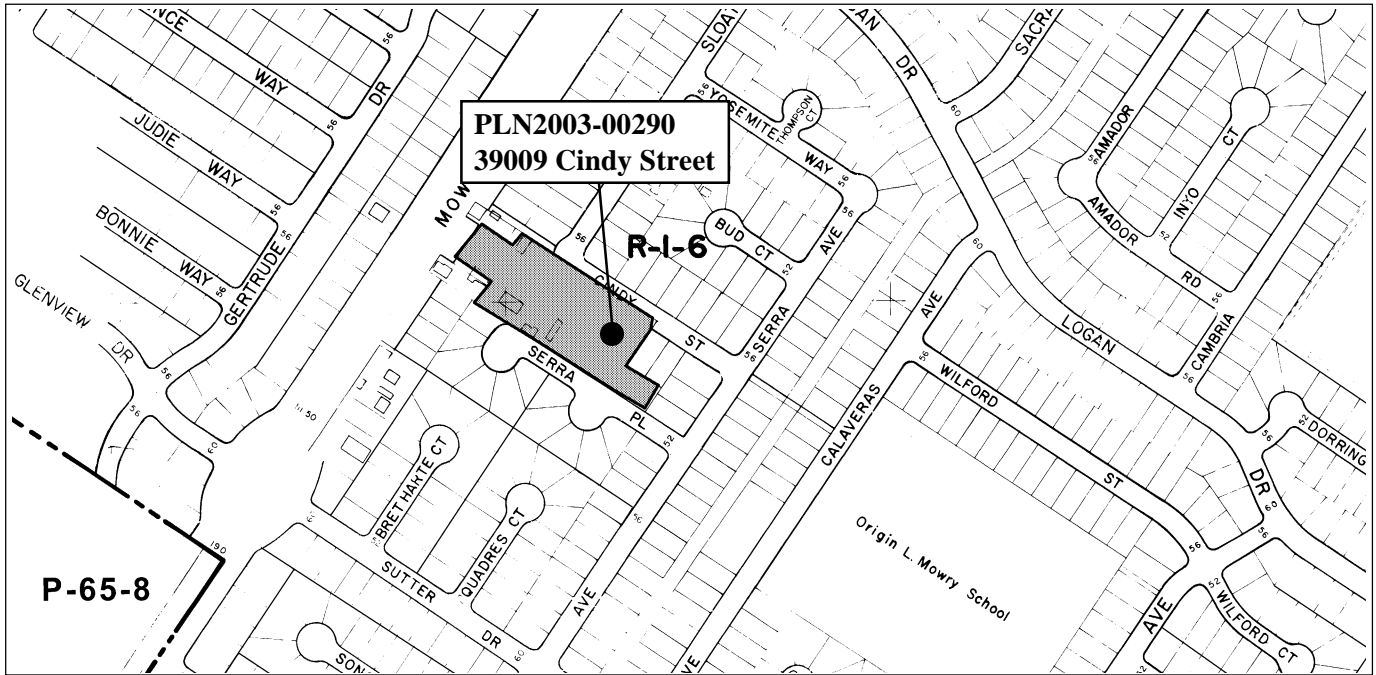
9 a.m. to 6 p.m. Saturday

Failure to restrict construction-related activities to the above hours will result in inspections being withheld.

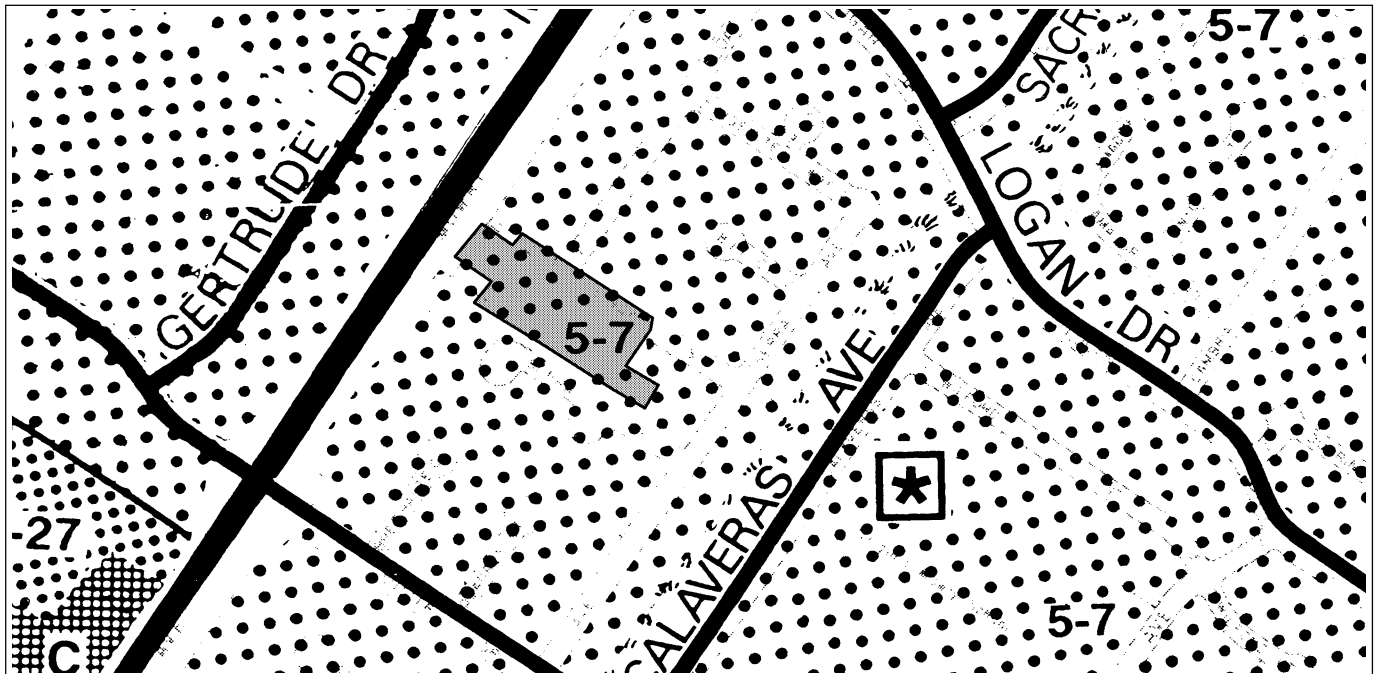
### *Transfer, Renewal and Revocation*

- E-1 Any provider that considers buying, leasing or transferring ownership of this facility shall submit a letter of notification to the Assistant City Manager (Development and Environmental Services Director).
- E-2 The provider shall provide written notification to the Assistant City Manager upon cessation of operations on-site. The provider shall remove all obsolete or unused facilities from the site within six months of termination of its lease, cessation of operations or expiration of its permit. Should the provider fail to effect such removal, the property owner shall be responsible for removal of the equipment.
- E-3 If the Assistant City Manager finds evidence that conditions of approval have not been fulfilled or that the use has resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property or a substantial adverse impact on public facilities or services, he or she may refer this approval to the Planning Commission for review. If, upon such review, the Commission finds that any of the results stated above have occurred, the Commission may modify or revoke this approval.
- E-4 This conditional use permit shall expire five (5) years from the date of approval. No less than 90 days before the date of expiration, the applicant (or other representative of the telecommunications service provider using the use permit) shall submit an application for a Conditional Use Permit Extension and submit to the City all required information and fees. This use permit may be renewed (extended) for additional five-year periods if the approving agency finds that the monopole does not have a significant adverse visual impact or that replacement of the monopole with a facility (or facilities) having substantially less adverse visual impact is not feasible.

# INFORMATIONAL



Existing Zoning



Existing General Plan

**Project Number:** PLN2003-00290 (CUP)  
**Project Name:** Sprint at Cindy Street  
**Project Description:** To consider a Conditional Use Permit for a wireless telecommunications system facility consisting of a monopole (extended light pole) 50 feet high in the parking lot of an existing religious facility (Central Church of the Nazarene) located in the Irvington Planning Area

**Note:** Prior arrangements for access are not required for this site.

